IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

WP(C).No. 33390 of 2006(Y)

OS.196/2006 of M.C.,PARAPPANANGADI
C.M.A.20/06 OF SUB COURT, TIRUR

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PETITIONER:

THARBIYYATHUL ISLAM SANGHAM,
CHANGUVETTIKULAM, REG.NO.186/89, PO KOTTAKKAL,
MALAPPURAMT DT.,REP.BY ITS GENERAL SECRETARY,
C.K.KUNHIMARAKKAR HAJI, S/O.ERAMUTHY BY HIS P/A.
HOLDER BEERANKUTTY, S/O.MOHAMMEDKUTTY,KUZHIMATTIK-
KALATHIL(H),PARAPPUR AMSOM,DESOM,MALAPPURAM DT.

BY ADV. SRI.T.KRISHNAN UNNI

RESPONDENTS:

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1. V.P.AJITH KUMAR S/O.BALAKRISHNAN-
THIRUMULPAD, PANNIYANKARA, KOZHIKODE.

2. THE ASST.EXCISE COMMISSIONER,
MALAPPURAM.

3. THE EXCISE COMMISSIONER,
KERALA STATE, THIRUVANANTHAPURAM.

4. THE CORNICHE HOSPITALITY (P) LTD.CO.
CHANGUVETTY, PO KOTAKKAL, MALAPPURAM DISTRICT.

5. CHOORAKKAL IQUBAL, S/O.MOHAMMED HAJI,
CHANGUVETTY, PO KOTTAKKAL,
MALAPPURAM DT.

BY //

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C) .NO. 33390 OF 2006

Dated 15th December 2006

JUDGMENT

Petitioner is plaintiff in O.S.196/06 on the file of Munsiff court, Parappanagady. Petitioner filed an application under Order XXIX of Rule 1 of Code of Civil Procedure seeking an order of temporary injunction, which was refused by trial court under Ext.P2 order. Petitioner filed appeal before Sub court, Tirur as C.M.A.20/06. Case of petitioner is that it was also dismissed and he had filed an application for carbon copy which was not granted and meanwhile if license is to be issued to respondents it would cause irreparable injury and therefore a direction is to be issued to Sub Judge to issue a carbon copy immediately and also an order restraining respondents 2 and 3 from issuing license to respondents 1 and 4.

2. Learned counsel appearing for petitioner was heard.

3. When contacted, Sub court, Tirur informed

that carbon copy is ready and it will be issued today itself. In such circumstance, it is not necessary to give any direction to issue carbon copy as sought for.

4. Then the question is whether petitioner is entitled to an order restraining respondents 2 and 3 from issuing license. Question whether petitioner is entitled to a further order is to be decided only on hearing the petition challenging that order. It may not be proper to grant an order at this stage. Petitioner is entitled to challenge the order in C.M.A.20/06 and seek appropriate order. If the license is not granted respondents 2 and 3 not to grant license for five days from today.

Writ petition is disposed of.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.